

10/517348

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jochen EITEL et al.
Title: COOLING DEVICE
Appl. No.: Unassigned
Filing Date: DEC 08 2004
Examiner: Unassigned
Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the

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present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

RELEVANCE OF EACH DOCUMENT

Documents A1-A4 and A6-A9 listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding International application. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Documents A5 and A8 claim priority based on the same first-filed application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

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Atty. Dkt. No. 016906-0326

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even entirely missing, the Commissioner is authorized to charge the unpaid amount to
Deposit Account No. 19-0741.

Respectfully submitted,

Date: DEC 08 2004

By 

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Complete if Known 10/517348 | |
| | | | | Application Number | Unassigned |
| Date Submitted: DEC 08 2004 (use as many sheets as necessary) | | | | Filing Date | DEC 08 2004 |
| | | | | First Named Inventor | Jochen EITEL |
| Sheet 1 of 1 | | | | Group Art Unit | Unassigned |
| | | | | Examiner Name | Unassigned |
| | | | | Attorney Docket Number | 016906-0326 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | A1 | 2001/0045090 | A1 | GRAY, Jr. | 11-29-2001 | |
| | A2 | 2002/0026926 | A1 | LOYE et al. | 03-07-2002 | |
| | A3 | 6,427,436 | B1 | ALLANSSON et al. | 08-06-2002 | |
| | A4 | 5,617,726 | | SHERIDAN et al. | 04-08-1997 | |
| | A5 | 5,517,976 | | BACHLE et al. | 05-21-1996 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | A6 | EP | 1 091 113 | A2 | CUMMINS ENGINE COMPANY, INC. et al. | 04-11-2001 | | |
| | A7 | EP | 1 031 722 | A2 | MITSUBISHI JIDOSHA KOGYO KABUSHIKI KAISHA | 08-30-2000 | | |
| | A8 | DE | 43 31 509 | C1 | MOTOREN TURBINEN UNION | 07-21-1994 | | |
| | A9 | DE | 198 53 455 | A1 | NVL LIST GMBH | 06/02/1999 | | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
|--------------------|-----------------------|--|----------------|
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Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.